

Last Revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
CAMDEN DISTRICT OF NEW JERSEY**

IN RE:	CASE NO.:	17-17804
Arthur Carter	JUDGE.:	ABA
Delores Carter		
(Debtors)	CHAPTER.:	13

**CHAPTER 13 PLAN AND MOTIONS**

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<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Modified/Notice Required	<input checked="" type="checkbox"/> Discharge Sought
<input type="checkbox"/> Motions Included	<input type="checkbox"/> Modified/ No Notice Required	<input type="checkbox"/> No Discharge Sought

Date: June 21, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13  
OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED IN  
THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT  
MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The Debtor shall pay **\$393.00** per **MONTH** to the Chapter 13 Trustee, starting on **August 1, 2017**, for approximately **48** months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:  
☒ Future Earnings.  
☐ Other Sources of funding (describe source, amount and date when funds are available).
- c. Use of real property to satisfy plan obligations:  
☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_
- ☐ Refinance of real property  
Description:  
Proposed date for completion: \_\_\_\_\_
- ☐ Loan modification with respect to mortgage encumbering property:  
Description:  
Proposed date for completion: \_\_\_\_\_
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

## **Part 2: Adequate protection**

- a. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).
- b. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid directly by the Debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_\_ [creditor].

### Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>CHAPTER 13 TRUSTEE</b>	<b>ADMINISTRATIVE</b>	<b>Not to exceed 10%</b>
<b>Tamika N. Wyche, Esq.</b>	<b>ADMINISTRATIVE</b>	<b>\$3,500.00</b>

### Part 4: Secured Claims

#### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearage on monthly obligations and the Debtor shall pay directly to the creditor (outside of the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (in Plan)	Regular Monthly Payment (Outside Plan)
<b>Ally</b>	<b>Auto</b>	<b>\$ 1,467.00</b>	<b>0.00%</b>	<b>\$ 1,467.00</b>	<b>\$ 489.00</b>
<b>Midland Mortgage</b>	<b>Real Estate</b>	<b>\$ 12,000.00</b>	<b>0.00%</b>	<b>\$ 12,000.00</b>	<b>\$ 954.66</b>

#### b. Modification

- 1.) The Debtor values collateral as indicated below. If the Claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as unsecured claim. If a secured claim is identified as having "**NO VALUE**" it shall be treated as an unsecured claim.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Paid

- 2.) Where the Debtor retains collateral and completes the Plan, payment of the full

amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**d. Secured Claims Unaffected by the Plan**

The Following secured Claims are unaffected by the Plan:

**e. Secured Claims to be paid in full through the Plan.**

<u>Creditor</u>	<u>Collateral</u>	<u>Total Amount to be Paid through the Plan</u>

**Part 5: Unsecured Claims**

**a. Not separately classified** Allowed non-priority unsecured claims shall be paid:

- ☐ Not less than to be distributed *pro rata*  
☐ Not less than 0 Percent  
☒ Pro rata distribution from any remaining funds

**b. Separately Classified Unsecured Claims** shall be treated as follows:

<u>Creditor</u>	<u>Basis for Separate Classification</u>	<u>Treatment</u>	<u>Amount to be Paid</u>

## Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, **except** the following, which are **assumed**:

<u>Creditor</u>	<u>Nature of Contract or Lease</u>	<u>Treatment by Debtor</u>

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

- a. **Motion to Avoid Liens under 11U.S.C. Section 522(f).** The Debtor moves to avoid the following liens that impair exemptions:

<u>Creditor</u>	<u>Nature of Collateral</u>	<u>Type of Lien</u>	<u>Amount of Lien</u>	<u>Value of Collateral</u>	<u>Amount of Claimed Exemption</u>	<u>Sum of All Other Liens Against the Property</u>	<u>Amount of Lien to be Avoided</u>

- b. **Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.**  
The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 3 avoid:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount of Lien to be Reclassified</u>

- c. **Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and void to liens on collateral consistent with Part 3 above:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount to be Deemed Secured</u>	<u>Amount to be Reclassified as Unsecured</u>

## Part 8: Other Plan Provisions

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for the Sections 3, 5, or 6 may continue to mail customary notices or coupons to be Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Administrative Expense (Debtor Attorney Fees)
- 3) Secured
- 4) Priority
- 5) Unsecured

**d. Post-petition claims:**

The Trustee ☒ is ☐ is not] authorized to pay post-petition claims filed pursuant to 11U.S.C Section 1305(a) in the amount filed by post-petition claimant.

## Part 9: Modifications

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: \_\_\_\_\_

Explain below **why** the plan is being modified:      Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?    ☐ Yes    ☐ No

**Part 10: Sign Here**

Date June 21, 2017

/s/ Tamika N. Wyche, Esquire

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**Attorney for the Debtor**

I certify under penalty of perjury that the foregoing is true and correct.

Date June 21, 2017

/s/Arthur Carter

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**Debtor**

Date June 21, 2017

/s/Delores Carter

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Joint Debtor (if any)

**Certificate of Notice Page 8 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Delores Carter  
 Arthur Carter  
 Debtors

Case No. 17-17804-ABA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf901

Page 1 of 1  
 Total Noticed: 19

Date Rcvd: Jul 31, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 02, 2017.

db/jdb	+Delores Carter, Arthur Carter, 5431 Witherspoon Ave, Pennsauken, NJ 08109-4730
516879686	ADTC Security Services, PO Box 650485, Dallas TX 75265-0485
516879685	Alloy, PO Box 380902, Bloomington, MN 55438-0902
516879687	Cooper University Health Care, PO Box 95000-4345, Philadelphia PA 19195-4345
516879689	Mariner Finance, 814 White Horse Pike Ste 1, Oaklyn NJ 08107-1266
516879690	Med Credit, PO Box 1629, Maryland Heights MO 63043-0629
516879684	Midland Mortgage, PO Box 26648, Oklahoma City OK 73126-0648
516772629	+OneMain, PO Box 1010, Evansville IN 47706-1010
516772627	PSE&G, 2 Riverside Drive, Camden, NJ 08103
516879692	PSE&G, PO Box 14444, New Brunswick NJ 08906-4444
516879693	Sears, PO Box 78051, Phoenix AZ 85062-8051
516879695	+Verizon, PO Box 4849, Trenton, NJ 08650-4849
516879694	Well Fargo Financial National Bank, PO Box 660553, Dallas TX 75266-0553

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Jul 31 2017 23:24:21 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg	+E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 31 2017 23:24:18 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
516772628	+E-mail/Text: ally@ebn.phinsolutions.com Jul 31 2017 23:23:38 Ally Financial, PO Box 380901, Bloomington MN 55438-0901
516879688	E-mail/Text: jguevara@foundationfinance.com Jul 31 2017 23:25:23 Foundation Finance Company, P.O. Box 437, SchoField WI 54476-0437
516772630	+E-mail/Text: jguevara@foundationfinance.com Jul 31 2017 23:25:23 Foundation Finance Co, 7802 Meadow Rock Dr, Weston WI 54476-5262
516879691	+E-mail/PDF: cbp@onemainfinancial.com Jul 31 2017 23:28:13 One Main Financial, 1210 Rt 130 North Ste 14, Cinnaminson NJ 08077-3046

TOTAL: 6

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 02, 2017

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 28, 2017 at the address(es) listed below:

Denise E. Carlon	on behalf of Creditor	MIDFIRST BANK dcarlon@kmlawgroup.com,
bkggroup@kmlawgroup.com		
Isabel C. Balboa	ecfmail@standingtrustee.com,	summarymail@standingtrustee.com
Tamika Nicole Wyche	on behalf of Joint Debtor Arthur Carter	dpdlawyer@comcast.net,
G30609@notify.cincompass.com		
Tamika Nicole Wyche	on behalf of Debtor Delores Carter	dpdlawyer@comcast.net,
G30609@notify.cincompass.com		
U.S. Trustee.	USTPRegion03.NE.ECF@usdoj.gov	

TOTAL: 5